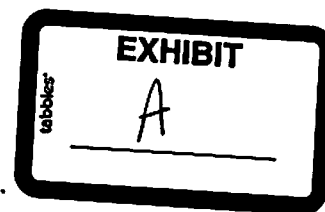


COMMONWEALTH OF VIRGINIA
CIRCUIT COURT OF FAIRFAX COUNTY
4110 CHAIN BRIDGE ROAD
FAIRFAX, VIRGINIA 22030
703-691-7320
(Press 3, Press 1)



Rina Delgado vs. Target Stores Inc

CL-2012-0009978

TO: Target Stores Inc
Serve: CT Corporation System, Reg Agent
4701 Cox Road
Suite 301
Glen Allen VA 23060-6802

SUMMONS – CIVIL ACTION

The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the Clerk's office of this Court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment or decree against such party either by default or after hearing evidence.

APPEARANCE IN PERSON IS NOT REQUIRED BY THIS SUMMONS.

Done in the name of the Commonwealth of Virginia, on Tuesday, July 31, 2012.

JOHN T. FREY, CLERK

By: 
Deputy Clerk

Plaintiff's Attorney Kellie M. L. Budd

IN THE FAIRFAX COUNTY CIRCUIT COURT

RINA DELGADO
3580 Ellery Circle
Falls Church, VA 22041

Plaintiffs

v.

TARGET STORES, INC.
Serve: CT Corporation System
Registered Agent
4701 Cox Road, Suite 301
Glen Allen, Virginia 23060-6802

Defendant

FILED
2012 JUL -9 PM 2:46
JOHN T. FREY
CLERK, CIRCUIT COURT
FAIRFAX, VA
CASE NO. 2012 09978

COMPLAINT

COMES NOW the Plaintiff by and through her counsel, and moves for judgment against above Defendants, Target Stores, Inc. (hereinafter "Target" or "Defendant") on the grounds and in the amount as hereinafter set forth.

PARTIES AND PRELIMINARY ISSUES

1. Plaintiff Rina Delgado ("Plaintiff" or "Ms. Delgado") is an adult individual who at all times material hereto resided at the above address.

2. Based upon information and belief, Defendant Target is a Minnesota corporation transacting business in the Commonwealth of Virginia.

3. Non-Party "Pharmacist" is an employee of Defendant Target, and worked in the pharmacy of Defendant Target's store located at 5115 Leesburg Pike, Falls Church, VA.

4. Venue is proper under Va. Code Ann. 8.01-262 because all events giving rise to this Complaint occurred in Defendant Target's store located in Fairfax County.

FACTS

5. In 2010 Ms. Delgado was diagnosed with Prolactinoma, a type of tumor on her pituitary gland. She received prescription medication for her condition. As part of Ms. Delgado's treatment for Prolactinoma, on or around July 28, 2010 her doctor, Sergio R. Rimola, prescribed Parlodel 2.5mg, Aygestin 5mg, and FeSo4.

6. On or around August of 2010 Ms. Delgado began to take prescriptions for Parlodel 2.5mg, Aygestin 5mg, and FeSo4 to be filled by Defendant Target's pharmacy.

7. Pursuant to §8.01-581 of the Virginia Code a pharmacist is a "health care provider" and as such owes a duty of reasonable care to its patients.

8. Defendant Target Stores, Inc., through its pharmacy and employment of Pharmacist, assumed a duty of care to Ms. Delgado which included the duty to fill the prescriptions in accordance with the physician's directions.

9. Target Stores, Inc., through its pharmacist, filled Pindolol 5mg, instead of Parlodel 2.5 mg. Pindolol was not prescribed by her doctor.

10. Unaware of the error, Ms. Delgado took the wrong medication, which was provided to her by the Pharmacist.

11. The improper medication exacerbated Ms. Delgado's Prolactinoma, causing her condition to worsen substantially.

12. Had the Pharmacist conformed to the proper standard of care and filled the prescription correctly, Ms. Delgado would not have suffered a worsening of her condition and associated pain, suffering and emotional distress. In fact, Ms. Delgado thought she could die due to the wrong prescription. She also had limited resources to obtain medical care.

COUNT I
VIOLATION OF THE MEDICAL MALPRACTICE ACT

13. Ms. Delgado hereby incorporates the allegations contained in paragraphs 1-12 above:

14. It was the duty of the pharmacist to fill the correct drug, dosage and number of doses in accordance with the physician's directions with reasonable care and with due regard for the safety of its customers.

15. Defendant was negligent and violated the standard of care by the following acts:

- (a) Failure to fill the correct drug as prescribed by Dr. Sergio R. Rimola for Ms. Delgado;
- (b) Failure to give proper and sufficient warning of the effects such non-prescribed medication would have on Ms. Delgado;
- (c) Failure to employ the degree of skill and diligence practiced by reasonably prudent pharmacies in filling a prescription.

16. As a result of the aforesaid negligence, Ms. Delgado continued to suffer from the symptoms of her Prolactinoma and suffered bodily injuries related to the increased tumor.

17. Ms. Delgado has already sought medical attention to treat her injuries, and has incurred additional expenses related to this treatment. She may be required to seek further medical attention in the future because of this incident.

18. As a further result of the Defendant's negligence, Ms. Delgado has suffered physical pain, mental anguish and humiliation, and has in the past and may in the future be deprived of life's pleasures and her ability to pursue and participate in her normal and usual avocations and recreations.

COUNT II
NEGLIGENCE

19. Ms. Delgado hereby incorporates the allegations contained in paragraphs 1-18 above:

20. Defendant Target Stores, Inc., through its pharmacy, assumed a duty of care to Ms. Delgado which included the duty to fill the prescriptions in accordance with the physician's directions.

21. Defendant should have known that they were providing Ms. Delgado with the incorrect medication.


22. Defendant should have known that Ms. Delgado would take the medication provided to her by Head Pharmacist and that taking the wrong medication was potentially hazardous to Plaintiff's health and well-being.

23. As a proximate result of Defendant's negligence Ms. Delgado experienced nausea, severe headaches, irregular menstrual cycles, fatigue, weight gain and fluid retention.

24. All of the injuries and damages sustained by the Ms. Delgado were the direct and proximate result of the negligent actions of Target Stores, Inc., without any act or omission on the part of the Ms. Delgado contributing.

WHEREFORE, Plaintiff RINA DELGADO demands judgment against Defendants, TARGET STORES, INC., and Head Pharmacist, in the amount of TWO HUNDRED THOUSAND DOLLARS (\$200,000.00), along with pre-judgment interest from the date of filing, post-judgment interest, punitive damages due to reckless disregard of Ms. Delgado's rights, and Plaintiff's costs expended on her behalf.

Date: July 6, 2012


George R.A. Doumar (#26490)
Kellie M.L. Budd (#72087)
Doumar Martin, PLLC
2000 N. 14th Street, Suite 210
Arlington, VA 22201
(703) 243-3737 Tel.
(703) 524-7610 Fax

ATTORNEYS FOR PLAINTIFF